

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Angela Kirby, ) C/A No.: 4:10-1984-JFA-TER  
                  )  
                  Plaintiff, )  
vs.              )  
                  )  
Michael J. Astrue, Commissioner of Social )  
Security,          )  
                  )  
                  Defendant. )  
                  )  
\_\_\_\_\_

ORDER

The plaintiff, Angela Kirby, brings this action pursuant to § 205(g) of the Social

Security Act, as amended, to obtain judicial review of the final decision by the Commissioner of Social Security denying plaintiff's claim for supplemental security income (SSI) and disability insurance benefits (DIB).

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that the Commissioner's decision to deny benefits should be reversed and remanded. The Magistrate Judge provides a detailed discussion of the undisputed and relevant medical evidence and the standards of law which this court incorporates without a recitation.

The parties were advised of their right to submit objections to the Report and

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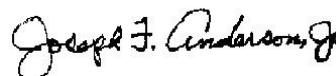
<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Recommendation which was filed on January 31, 2012. The Commissioner has responded indicating that he will not be filing objections to the Report. Thus, it appears the matter is ripe for consideration by this court.

The court has carefully reviewed the record and finds the recommendation of the Magistrate Judge to be proper. It is therefore ordered that the Report is incorporated herein and that the decision of the Commissioner of Social Security denying benefits in this case is reversed and remanded for further proceedings as set forth in the Report and Recommendation.

IT IS SO ORDERED.

February 27, 2012  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge